

MARINE SAFETY MANUAL

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CHAPTER 11: LICENSING OF PILOTS

A. Introduction To Pilots.

Pilotage in the United States has remained relatively unchanged since the days of colonization. What has evolved is a dual system of pilotage. There is a federal pilotage system, and a state pilotage system.

1. Federal Pilotage System (Not Great Lakes).

As noted in 46 U.S.C. 8502, federal pilotage applies to a coastwise seagoing vessel. A coastwise seagoing vessel, generally means one which is carrying or authorized by its documentation to engage in trade between one U.S. port and another. A vessel meeting this description must be under the direction and control of a Federally licensed pilot when the vessel is:

- a. Not sailing on register;
- b. Underway;
- c. Not on the high seas; and
- d. Propelled by machinery and subject to inspection under 46 U.S.C. Subtitle II, Part B or Chapter 37. (Subtitle II, Part B refers to the Inspection and Regulation of Vessels.)

There are a few variations regarding the Federal pilotage requirement for a coastwise seagoing vessel. First, in the area of Prince William Sound, Alaska, a coastwise seagoing vessel may qualify for certain exemptions, under certain circumstances. Refer to 46 CFR 15.812(f) for the criteria. Second, unless the Secretary determines that a hazard to navigational safety exists, a coastwise seagoing dredge is exempt from the Federal pilotage requirement. (Refer to 46 U.S.C. 8502(i)).

2. State Pilotage System.

As indicated in 46 U.S.C. 8501 and 46 U.S.C. Chapter 93, State pilotage applies to foreign trade vessels not on the Great Lakes. Foreign trade vessel means U.S. vessels sailing on registry, and foreign vessels. The requirement for a foreign trade vessel to take a State pilot varies among the States. As provided in 46 U.S.C. 8503, where there is no regulation of pilotage by the State, the Secretary may promulgate regulations which require a federally licensed pilot to be aboard a foreign trade vessel when engaged in foreign commerce and operating on the navigable waters of the United States. If the State should subsequently establish a requirement for a State pilot and notify the Secretary of that fact, the Federal pilotage requirement for foreign trade vessels would be rescinded. (Regulations promulgated under this part will be found in 46 CFR 15.1001.)

3. Great Lakes Pilotage.

46 U.S.C. Chapter 93, the Memorandum of Arrangements (MOA) between the United States and Canada, and the Great Lakes Pilotage Regulations (46 CFR Parts 401-404) contain the provisions for the conditions of pilotage service on the Great Lakes for foreign trade vessels.

a. Great Lakes Pilotage Oversight.

The Coast Guard, has the responsibility to oversee and approve the pilot pools of the U.S. registered pilots which provide pilotage services on the Great Lakes. The Director of Great Lakes Pilotage determines the number of U.S. pilots needed in order to provide adequate and efficient pilotage service as described in the MOA.

b. Great Lakes Geographic Area Of Applicability.

The geographic area of applicability for pilotage on the Great Lakes includes all of the Great Lakes, their connecting and tributary waters, the St. Lawrence River as far East as St. Regis, New York, and adjacent port areas.

c. U.S. Registered Pilot.

A U.S. Registered Pilot is an individual who holds a valid first class pilot's license for the routes specified, and who also has been issued a Certificate of Registration by the Director, Great Lakes Pilotage.

d. Requirement To Take A Pilot.

A foreign trade vessel must engage a United States or Canadian Registered Pilot for the route being navigated whenever it is operating within the areas of the Great Lakes described above. This applies to all foreign trade vessels, meaning U.S. vessels sailing on registry and foreign vessels.

e. Salty Laker Trade.

For more information on this topic see 11.I of this volume.

B. Pilot Licensing.

Any individual who applies for a first class pilot's license need not hold any other license. However, the individual must satisfy certain service and round trip requirements. (Refer to 46 CFR 10.701 and 10.711)

1. Service Requirements.

An individual seeking a first class pilot's license or endorsement must meet a service requirement which is based upon a combination of the time spent in the deck department, and on vessels operating over the class of waters for which pilotage is desired.

2. Officer in Charge of Marine Inspection (OCMI) Imposed Service Requirements.

The OCMI responsible for issuing a first class pilot's license or endorsement may use his/her discretion to impose certain limitations based on the applicant's experience on a particular type and tonnage of vessel operating over a specific route for which pilotage is desired. If the route is in another OCMI zone the issuing OCMI shall obtain the concurrence of that OCMI.

3. Substitute Service Requirements.

An applicant may substitute a portion of the standard service requirements described in 11.B.1 if he/she has nine months of shipboard experience and has completed a pilot training program approved by the Commandant. A list of approved pilot training programs is maintained by NMC.

4. Round Trip Route Familiarization Requirement And Documentation For Pilotage.

The OCMI will consider the experience and current license held by an applicant when determining the round trip requirement for an original or endorsement to an existing pilot's license. In this regard, an applicant may apply the round trips made while participating in an approved pilot training program to satisfy the route familiarization requirement. Documentation concerning these round trips must include the date, route, time of day, and name and tonnage of the vessel on which the trips were made properly certified by the master or pilot. Masters may document their own round trips for pilotage by submitting discharges and/or other acceptable proof of trips. "Observer" experience is acceptable towards satisfying the round trip requirements for route familiarization.

5. Tonnage Limitations.

To obtain a first class pilot's license or endorsement of any gross tons, the applicant must have sufficient experience on vessels of more than 1,600 gross tons (GT) while making the required number of round trips as specified by the Officer In Charge of Marine Inspection (OCMI). An applicant is considered to have sufficient experience with 18 months service in the specific capacity described in 11.B.1, and with at least two-thirds of the required round trips having been made on vessels over 1,600 GT. Otherwise, an applicant with experience on vessels of lesser tonnage may only be issued a first class pilot's license or endorsement of limited tonnage until the applicant has completed the number of round trips on vessels of over 1,600 GT as determined by the OCMI. See 46 CFR 10.711

An applicant may use the combined gross tonnage of a tug and barge(s) to obtain a first class pilot's license or endorsement of any gross tons. However, the OCMI may require that all or a portion of the applicant's experience be on self-propelled vessels of 1,600 GT or more in order to obtain a first class pilot's license or endorsement which is not restricted to tug and barge combinations.

6. Examination.

The examination subjects for an original pilot's license, and for an individual who is already licensed as master, mate or first class pilot of vessels greater than 1,600 GT are contained in 46 CFR 10.910. Information concerning development of the local knowledge portion of the exam may be found in chapter 5 of this manual.

- a. For an original first class pilot's license, the applicant must take the full examination.
- b. For an endorsement to an existing master, mate or first class pilot's license of more than 1,600 GT, the applicant need only take a partial examination covering the specific route, e.g., chart sketch and local knowledge.

C. Pilotage Routes For First Class Pilots And "Acting As" Pilots.

The regulations classify pilotage routes into two types, dependent upon the type of pilotage license that was issued. OCMI's will make available to interested persons, a description of the pilotage route/route segments within their respective zones. Mariners who will be completing routes, route segments and round trips to qualify as pilots (both "acting as" and applicants for a first class pilot's license) should verify in advance with the appropriate OCMI, what constitutes a qualifying trip.

1. Federal First Class Pilots.

Federal First Class Pilot's licenses are issued with endorsements which describe the geographic limits of the waters upon which the holder is authorized to serve, in accordance with 46 CFR 15.812(b)(1).

First class pilot's licenses and endorsements may be issued with inclusive route descriptions to applicants who have not made familiarization trips on every section of every waterway included within the described route. Applicants are not always required to obtain familiarization trips on each tributary along the route being applied for, nor are they always required to present evidence of having docked at each facility within the route. In addition, in many zones, applicants are not required to obtain round trips into the minor ports included in the route.

2. "Acting As" Pilots.

These individuals must complete a specified number of round trips over the route to be traversed in accordance with 46 CFR 15.812(b)(2). These individuals self-certify their qualifications for a route. They are not issued a pilot's license or endorsement that describes the specific waters upon which they are authorized to serve as pilot. For "acting as" pilots, the requirements concerning routes should parallel the route requirements for licensed first class pilots. A description of the route requirements for a licensed first class pilot and an "acting as" pilot may be obtained from the OCMI concerned. It is incumbent upon the mariner who will "act as" a pilot to determine in advance whether he/she meets the local pilotage requirements.

To qualify as an "acting as" tank barge pilot the operator should have a barge in tow for at least 2/3 of the required round trips. An OCMI may, however, further reduce or eliminate the number of round trips required with the barge in tow if he/she determines that it is appropriate for any routes or segments within the zone.

3. Docking Pilots/Masters.

In some ports, particularly on the East and Gulf Coasts, individuals frequently referred to as docking pilots or docking masters direct the docking and undocking of vessels. In most cases, these individuals are employees of tug boat companies.

Coast Guard licensing regulations do not address docking pilots or docking masters and, generally, the states also do not issue these licenses. Therefore, "docking pilot" and "docking master" are unofficial employer trade designations, rather than types of licenses.

Inspected, coastwise seagoing vessels, not sailing on register, when underway and not on the high seas, must be under the direction and control of a Federal pilot (46 U.S.C. 8502)(46 CFR 15.812). With respect to these vessels, the regulations are clear. If a vessel meets the above description, it must be operated under the direction and control of a federally licensed pilot at all times when it is underway in U.S. navigable waters. Any individual directing the navigation of such a vessel must have the appropriate first class pilot's license issued by the Coast Guard for the particular route in question.

4. Mooring Masters.

The regulations concerning mooring masters are found in 33 CFR 150.211.

D. License Equivalency.

The regulations recognize the ability of an individual holding a license as a pilot or a license as master, mate, or operator to serve in a related capacity within any restrictions on that license. The restrictions referred to in this case are usually associated with the tonnage and specific waters or route(s) indicated on the license.

1. Authority To Serve As Pilot.

An individual who holds a license endorsed only as master, mate, or operator may serve as a pilot under the authority of that license aboard certain types of vessels when they are underway and not sailing on register. To do so, the individual is required to make a specific number of round trips over the route to be traversed, and may have to serve aboard the type of vessel to be piloted. In 46 CFR 15.812(b)(2) the phrase "employed aboard a vessel" is interpreted to mean that the individual is a licensed member of the vessel's crew, or an appropriately licensed permanent employee of the vessel owner or operator, serving aboard the vessel.

a. Pilot Of Vessels Not More Than 1,600 GT.

An individual who holds a license as master or mate may serve as pilot of a self-propelled coastwise seagoing vessel or a vessel operating on the Great Lakes of not more than 1,600 GT subject to inspection under 46 U.S.C. Chapter 33 after making four round trips over the route to be traversed while in the wheelhouse as an observer or watchstander. If the route is to be traversed during darkness, at least one of the trips must be made during this time.

b. Pilot Of Tank Barges Not More Than 10,000 GT.

An individual holding a license as master, mate or operator may serve as pilot of a coastwise seagoing tank barge or tank barge operating on the Great Lakes of not more than 10,000 GT subject to inspection under 46 U.S.C. Chapter 37 after making twelve round trips over the route to be traversed while in the wheelhouse as an observer or watchstander. If the route is to be traversed during darkness, at least three of the trips must be made during this time. In addition, the individual must have at least six months service in the deck department on towing vessels engaged in towing.

c. Self Certification To Serve As Pilot.

An individual may self-certify that he/she qualifies to serve as a pilot aboard vessels described in paragraphs a or b above. If requested to do so, the individual shall provide the Coast Guard with adequate documentation concerning his/her qualifications.

2. Authority Of Pilot To Serve As.

An individual who holds a license as pilot of inspected, self-propelled vessels over 200 GT is authorized to serve as master of inspected vessels less than 100 GT, operator of uninspected passenger vessels (OUPV), and operator of uninspected towing vessels (OUTV) within any restrictions on that license. The restrictions referred to in this case apply to the specific waters or route(s) indicated on the license. (Refer to Chapter 13 of this volume regarding the authority of a pilot to serve as OUPV or OUTV).

E. Pilotage Requirements For Various Vessels.

1. Pilotage For Dual or Multi-Documented Vessels.

Pursuant to 46 U.S.C. 12103 a vessel eligible for documentation may have its certificate of documentation (COD) endorsed with one or multiple endorsements. Where a vessel possesses more than one endorsement on its COD, the actual use of the vessel determines the endorsement under which the vessel must sail. See 46 CFR 67.17-1(c). Vessels carrying two or more such endorsements are generally referred to as dual- or multi-documented vessels. For each voyage leg upon which such a vessel is engaged, it may sail under only one of its endorsements. It cannot claim to be sailing under more than one endorsement at any given time. Where a vessel is sailing under its coastwise endorsement, it is subject to Federal Pilotage requirements. Where the vessel sails under its registry endorsement, it is generally subject to state pilotage laws.

To determine if a vessel is operating under a registry endorsement, the following guidelines should be applied:

- a. carrying any domestic cargo for delivery to a foreign port;
- b. carrying any foreign cargo for delivery to a U.S. port or place embraced within the coastwise laws;
- c. carrying and foreign cargo for delivery to a foreign port (even though there may be intermediate stops in U.S. ports); or
- d. sailing in ballast from a U.S. port to a foreign port or from a foreign port to a U.S. port.

The trigger for pilotage is not whether the vessel is in coastwise trade or foreign trade, rather it is whether the vessel is sailing on a registry or a coastwise endorsement. This is significant because the emphasis is on insuring no gaps in pilotage jurisdiction even though a vessel is not, per se, engaged in trade.

2. Pilotage For Vessels in Ballast.

For pilotage purposes, whether the vessel is carrying cargo or passengers, or whether it is in ballast at any given moment is immaterial; all of the requirements of 46 U.S.C. 8502 still apply. 46 U.S.C. 12105 states that a vessel for which a registry endorsement is issued may be employed in foreign trade. 46 U.S.C. 12106 states that a vessel with a coastwise endorsement may be employed in coastwise trade. For pilotage purposes a vessel remains a U.S. documented vessel required to be sailing on one endorsement or the other regardless of whether the vessel is carrying cargo or passengers, or is in ballast.

3. Pilotage For "T" Boats.

Pursuant to 46 U.S.C. 8502, U.S. vessels which are inspected "coastwise seagoing vessels" may be subject to pilotage requirements.

While an individual can obtain a license to operate a "T" Boat at age 18, the 1978 Port and Tanker Safety Act established the minimum age requirement for a Federal first class pilot's license (including an "acting as" pilot) at 21 years (46 U.S.C. 7101(e)(1)).

Existing pilotage law and regulations do not permit an exemption from pilotage requirements for small gross tonnage. The "acting as" pilot established by the 1985 pilotage regulation permits coastwise seagoing vessels of not more than 1600 gross tons to satisfy their pilotage requirement by the master or mate who has, among other things, made four round trips over the route to be traversed.

4. Pilotage For Public Vessels.

Public vessels are exempt from Federal pilotage requirements, except for some Department of Transportation (DOT) vessels (see 46 U.S.C. 2109). The pilotage requirements for DOT vessels are as follows:

- a. Coast Guard and St. Lawrence Seaway Development Corporation vessels are exempt from pilotage requirements; but
- b. all other DOT vessels (such as Ready Reserve Fleet and other Maritime Administration vessels) are not exempt from pilotage requirements.

For assistance in determining the status of a vessel, it is recommended that the local Coast Guard Captain of the Port be contacted.

5. Pilotage For Dredges.

Dredges are normally exempt from Federal pilotage requirements. This exemption was granted by Public Law 101-595 of November 16, 1990 (The Federal Maritime Commission Authorization Act of 1990, title III, section 307, 46 U.S.C. 8502(i)(1) and (2)).

However, the exemption also provides that, if the Secretary determines, after notice and comment, that the exemption creates a hazard to navigational safety in a specified area, the Secretary may require that a dredge otherwise exempted by paragraph (1) take a pilot.

F. Pilot License Renewal.

At the time of renewal, an individual has two options to assure the continued validity of their first class pilot's license or endorsement. First, the individual must have made at least one round trip over the route(s) within the previous 5 years, or second, at the OCMI's discretion, the individual may be allowed to satisfy the route refamiliarization requirement by reviewing appropriate materials. In this case, the applicant may review the materials and certify to the OCMI what materials were reviewed and on what dates up to 90 days preceding renewal. If the individual does not satisfy either of the above options at the time of renewal, that portion of the pilotage license or endorsement remains invalid until one refamiliarization round trip has been made over the route. (Refer to 46 CFR 10.713)

G. Annual Physical Requirement For Pilots.

An individual who holds a first class pilot's license or endorsement or "acts as" a pilot of a vessel of 1,600 GT or more must have an annual physical examination. (Refer to 46 CFR 10.205(d)).

In accordance with 46 CFR 15.812(d), documentation proving compliance with applicable portions of the regulations, including the results of the operator's current physical examination, must be produced within a reasonable period of time, if required by the Coast Guard.

See chapter 4 of this manual for information concerning the physical requirements for an original pilot's license or endorsement to an existing license.

H. Radar Observer Requirements For Pilots.

An individual who is serving as a pilot in accordance with Federal law on an inspected vessel of 300 GT or more, and which is equipped with radar, must hold a valid radar observer endorsement. (Refer to 46 CFR 15.815(b))

I. "Salty Laker" Trade.

Canadian vessels that operate regularly on the Great Lakes during the Great Lakes navigation season but which operate outside of the Great Lakes during the non-navigation season are considered to be in this type of trade. These types of vessels would be required to engage a Great Lakes registered pilot in the designated waters of the Great Lakes on their first voyage into the Great Lakes until all foreign cargo on board is discharged or if the vessel is coming directly from a foreign port inside the system if the vessel is coming directly from a foreign port outside the system.

In addition, these Canadian vessels would be required to engage a registered pilot in the designated waters of the Great Lakes on their exit voyage from the first port where cargo is loaded, or from the last port of call within the system if the vessel is proceeding without cargo directly to a foreign port outside the system. Except as indicated above, these Canadian vessels would not be required to engage a registered pilot provided they meet all other applicable U.S. and Canadian requirements. For the purposes of the above statements, "foreign cargo" on the exit voyage means cargo destined for a port outside Canada and outside the Great Lakes, and on the entrance voyage means cargo loaded at a port outside Canada and outside the Great Lakes. A "foreign port" means a port outside Canada and outside the Great Lakes. For more information on Great Lakes pilotage, see Chapter 93 of Title 46, United States Code.

